

<b>COMPLAINT NUMBER</b>	21/401
<b>COMPLAINT ON BEHALF OF</b>	Public Transport Users Association NZ
<b>ADVERTISER</b>	Waka Kotahi NZ Transport Agency
<b>ADVERTISEMENT</b>	Auckland Light Rail, Print
<b>DATE OF MEETING</b>	27 July 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The full page print advertisement for Auckland Light Rail has a large image of a woman gazing out into the distance, with a stylised image of a train line behind her. Underneath, there is a heading which states "We're making every suburb central." The text below describes the vision of the Auckland Light Rail project.

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complaint:** This advert falsely suggests "Every suburb" in Auckland will be connected to the governments Auckland Light Rail.

This is false. Only a handful of suburbs along the narrow light rail corridor will actually be connected. Most of Auckland will NOT be connected to the light rail project.

**The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b), Rule 2(e);**

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b) Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**Rule 2(e) Advocacy advertising:** Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

### **About Advocacy Advertising**

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.” This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

### **About this complaint**

The Chair acknowledged the Complainant’s concern the advertisement was misleading as it implies that every suburb in Auckland will be connected to the proposed Auckland Light Rail.

The Chair confirmed the Advertiser’s identity and position was clear and the advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code. The Advertiser’s identity was clear from the Logo Auckland Light Rail and the advertisement included the text “Learn more and share your views at [lightrail.co.nz](http://lightrail.co.nz)” The Advertiser’s position promoting light rail as positive, was clear from phrases such as “bringing us closer” and the language describing the proposal being about a better future.

The Chair said the likely consumer takeout of the advocacy advertisement would be the Advertiser was presenting a vision for improving the way people will be able to move in and out of central Auckland in the future.

The Chair noted information on the Auckland Light Rail website states that while the project is starting with the city centre to Māngere line, there is a long-term plan to enable the addition of other connections, allowing people to move around more freely.

The Chair said there are sufficient clues within the advertisement with wording such as “a step towards”, “a foundation for future growth” to indicate to consumers that the “We’re making every suburb central” claim is an aspiration for the future plans for the light rail system to be fully integrated with other forms of transport across the city.

The Chair said the advocacy advertisement was unlikely to mislead or deceive consumers and was not in breach of Principle 2, or Rules (b) and 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints to proceed.

### **Chair’s Ruling: Complaint No Grounds to Proceed**

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.